

## **REMARKS**

Amendments to claims 1, 18, 21, 31, and 39 are for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 47, 49, 54, and 63 are to change claim dependencies. Amendment to claim 62 is to rewrite this claim in independent form. No new matter has been added.

### **I. CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-13, 18-25, 31, 33-39, and 55-59 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

Claims 1, 18, 21 have been amended to recite storing or executing a radiation treatment plan, and claims 31 and 39 have been amended to recite storing or executing a treatment plan. Applicant respectfully submits that either storing a treatment plan or executing a treatment plan results in a physical transformation, and therefore, produces a concrete and tangible result. Also, a stored treatment plan or an executed treatment plan is useful. For examples, a stored treatment plan may be used to carry out a treatment procedure, and an executed treatment plan may be useful in treating or diagnosing a patient. For at least the foregoing reasons, claims 1, 18, 21, 31, and 39, and all claims depending therefrom, are believed to satisfy § 101.

Claim 20 recites adjusting an intensity of the beam. Applicant respectfully submits that adjusting an intensity of a beam results in a physical transformation, and therefore, produces a concrete and tangible result. Also, a beam with an adjusted intensity is a useful. For example, a beam with an adjusted intensity may be used to irradiate an object. For at least the foregoing reason, claim 20 is believed to satisfy § 101.

### **II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 45, 49, and 61-63 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 4,361,901 (Daniels) in view of U.S. Patent No. 6,055,295 (Murthy). Claims 45 and 61 have been canceled without prejudice to pursue them in related application(s).

Claim 62 recites a control module coupled to the projection detector and to the beam adjuster, wherein *the control module is configured to control the beam adjuster to cover at least a portion of a body, and wherein the at least a portion comprises a part of a target region* (Emphasis Added). Applicant agrees with the Examiner that Daniels does not disclose a control module coupled to a projection detector and to a beam adjuster. According to the Office Action, column 3, lines 1-2 and the abstract of Murthy allegedly disclose such module. However Murthy does not disclose or suggest controlling a beam adjuster to cover at least a portion of a body that *includes a target region*. For at least the foregoing reasons, claim 62 and its dependent claims are believed allowable over Daniels, Murthy, and their combination.

**CONCLUSION**


Based on the foregoing, all pending claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7010742001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7010742001**.

Respectfully submitted,

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By:



Gerald Chan

Registration No. 51,541

**Bingham McCutchen LLP**  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4960  
Facsimile: (650) 849-4800